

AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 1979, by and between the City of Boston, a municipal corporation of the Commonwealth of Massachusetts, acting by the Edward Ingersoll Browne Commission, (The Commission), a public Charitable body established by Chapter 5, of the City of Boston Ordinances of 1975, and the Boston Redevelopment Authority (The Authority), a public body, politic and corporate, established under the provisions of Chapter 121 B of the Massachusetts General Laws, (Ter.Ed.), as amended.

WHEREAS, the Commission after consulting with the Browne Fund Committee consisting of the following: a member of the Boston Society of Landscape Architects, a member of the Art Commission, the Parks & Recreation Commissioner and the Public Works Commissioner, has proposed certain projects to be erected and funded according to the testamentary wishes of the late Edward Ingersoll Browne, and

WHEREAS, by Order of the City Council of the City of Boston, dated September 13, 1978, the Commission has received an appropriation to be met by the accumulated income of the Edward Ingersoll Browne Fund, and

WHEREAS, the Commission desires to facilitate achievement of the goals of the late Edward Ingersoll Browne, in part, by restoring Spring Lane, a public way of historical significance to the citizens of Boston; and

WHEREAS, the Commission recognizes its need for professional, engineering and architectural expertise in the carrying out and the managing of the restoration of Spring Lane; and

WHEREAS, the Authority by its Director and his professional staff and personnel have the necessary resources and appropriate facilities to complete the restoration according to the desires and plans of the Commission.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. The Commission hereby agrees to and does appoint the Authority, its exclusive and sole agent to supervise every phase of the restoration of Spring Lane as indicated in the plans attached hereto as Exhibits A, B and C.

2. Subject to the approval and confirmation of the members of the Commission, the Authority by its Director shall be and is hereby empowered in the name of the Commission:

(a) to enter into contracts with architects, engineers, general contractors and sub-contractors for the carrying out of the work and repairs necessary for the complete renovation of Spring Lane.

(b) to draw, supervise and approve of plans and specifications of any kind or nature pertaining to the restoration of Spring Lane.

(c) to obtain bills, invoices, and statements for construction and professional work done at the Spring Lane project and to have exclusive authority in the approval or disapproval of such bills and statements for payment. When the Authority approves for payment a bill or invoice, subsequent written approval by the Commission shall also be obtained before disbursement of funds of the Commission.

3. The Commission shall upon execution of this Agreement deposit with the Authority funds in the amount of \$75,000.00 to be held for the payment of approved bills and invoices for work carried out under the restoration program. Any interest of the funds deposited shall inure to the Edward Ingersoll Browne Fund.

4. Upon completion of the Spring Lane project the Authority shall return any unexpended funds to the Commission, and shall furnish a written report delineating all costs and expenditures to the Commission.

5. The Commission agrees to indemnify and find harmless the Authority against all claims of whatever nature, arising out of the project.

6. This Agreement shall be terminated upon completion of all phases of the Spring Lane project.

IN WITNESS WHEREOF the said parties hereto set their hands and seals
on this _____ day of _____, 1979.

Edward Ingersoll Browne Commission

by

Kevin H. White - Chairman

Christopher J. Iannella

Lowell L. Richards, III

Boston Redevelopment Authority

by

Robert Ryan

Approved as to form:

General Counsel - BRA

Corporation Counsel - City of Boston

EXHIBIT A

EXISTING: Inadequate lighting, poor maintenance, deteriorating paving, and poorly placed historic markers have turned a potentially rich historic area into a mean, unpleasant alley for hundreds of pedestrians daily.

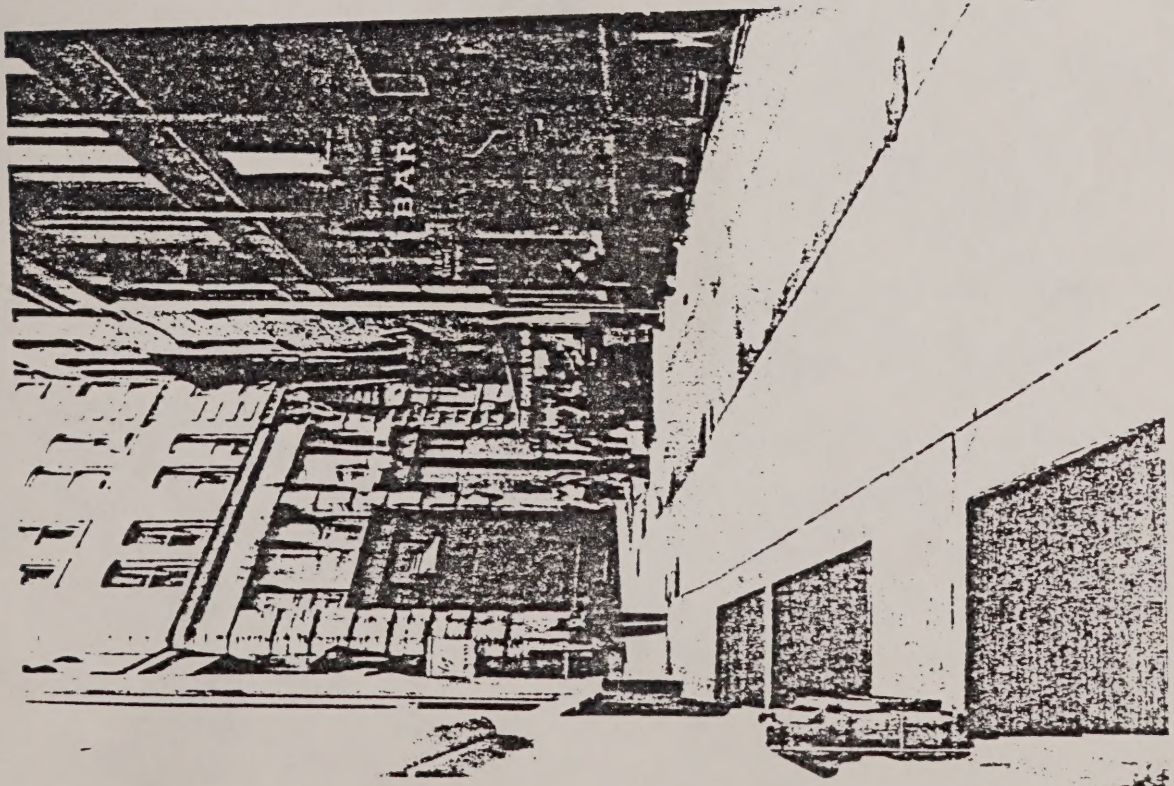
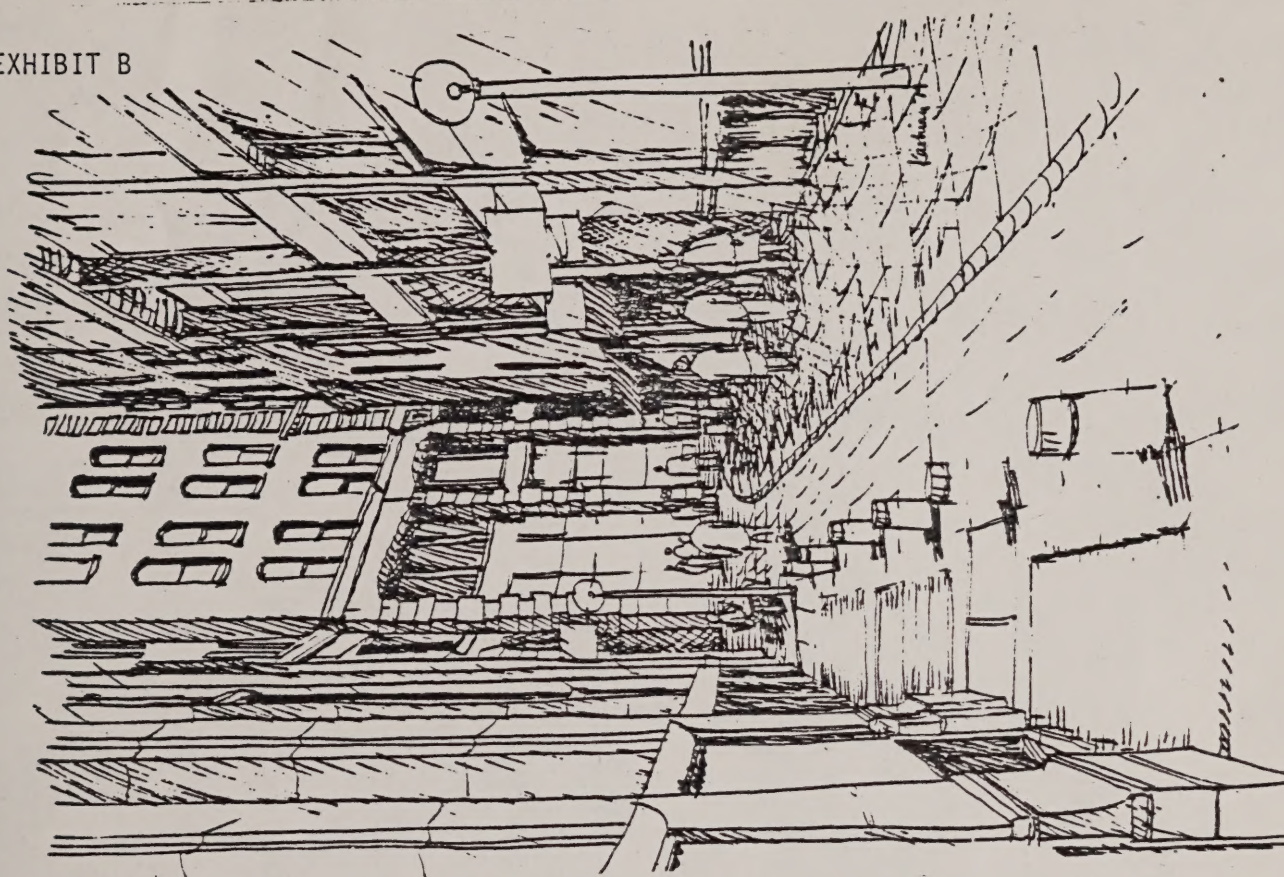


EXHIBIT B



PROPOSAL: The entire length and width of Spring Lane will be paved, proper drainage as well as new lighting and benches installed. Existing historic markers will be relocated so as to heighten public awareness of Spring Lane's historic significance. These improvements will make Spring Lane more inviting to shoppers and tourists.

EXHIBIT C

SPRING LANE

The entire length and width of Spring Lane will be paved with brick. At both entrances, bollards will block Spring Lane to traffic. Drainage will be solved by a central, open channel drain. Double Acorn light standards as well as several World Fair Benches will make Spring Lane more inviting to pedestrians. Its historic significance will be symbolized by a fountain.

May 29, 1979

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN

SUBJECT: EDWARD INGERSOLL BROWNE FUND TRUST PROJECT
PERMISSION TO ENTER INTO CONTRACT WITH CITY OF BOSTON ACTING BY THE
BROWNE FUND COMMISSION
RESTORATION OF SPRING LANE

In 1901 the City received a bequest from Edward Ingersoll Browne to be used for the "adornment and benefit" of the City through the "erection of statues, monuments, fountains for men and beasts and for the ornament of its streets, ways, squares and parks..." The Browne Fund Commission established by City ordinance in 1975 is responsible for the City for the investment of Browne Trust funds and the release of those funds for proposed projects.

The Commission, Mayor and City Council have appropriated Browne Fund money for the restoration of Spring Lane. The restoration plan includes new pavement, drainage, lights and benches as well as the relocation of existing historic markers.

The Commission has requested that the Boston Redevelopment Authority undertake this project because the Authority possesses the necessary professional, engineering, and architectural expertise to do this work.

In order to carry out this role, it will be necessary to enter into a contract with the City of Boston acting by the Browne Fund Commission making the Authority the agent of the Commission responsible for the supervision of all phases of the work, including entering into contracts for professional services and construction, and preparing a report on the use of funds. Under the terms of the proposed contract all funding would be provided by the Browne Fund.

It is recommended that the Authority enter into this contract with the City of Boston acting by the Browne Fund Commission for the restoration of Spring Lane.

VOTED: That the Director is authorized to enter into a contract with the City of Boston acting by the Browne Fund Commission to undertake the restoration of Spring Lane.

